

## UNITED STATES DISTRICT COURT

for the

Southern District of Georgia  
Savannah DivisionFILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIV.

2009 MAY -7 AM 11:36

United States of America  
v.

Derrick Antwan Sallen

Date of Previous Judgment: August 7, 2003  
(Use Date of Last Amended Judgment if Applicable)Case No: CR403-00052-001USM No: 11470-021

Julian Toporek

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31  
Criminal History Category: V  
Previous Guideline Range: 168 to 210 months

Amended Offense Level: 29  
Criminal History Category: V  
Amended Guideline Range: 140 to 175 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

## III. ADDITIONAL COMMENTS

In accordance with the required review of the sentencing factors set forth in 18 U.S.C. § 3553(a), the Court denies the defendant's request for a sentence reduction. The defendant, who is a young man, has a horrible criminal record. His prior convictions include a residential burglary, an aggravated assault, and two armed robberies. Since being incarcerated for the instant offense, the defendant has committed numerous violations, including engaging in sexual acts on seven separate occasions and setting fires on five different occasions. He poses a risk to the citizens of this country and the Court will protect the public from further crimes of the defendant as long as possible.

Except as provided above, all provisions of the judgment dated August 7 23, 2003, shall remain in effect.

IT IS SO ORDERED.

Order Date:

5-7-09

Effective Date:

(if different from order date)

B. Avant Edenfield  
Judge's signature

B. Avant Edenfield  
United States District Judge  
For the Southern District of Georgia  
Printed name and title